

1893-009

Lee Co.

Chancery Causes: John B. McLin vs. James E. Crockett

CA Debt

Used by another writing clai
Brockett executed to Charles E
to pay said Baylor the sum of
enclosed them the said Baylor.

January 21 1891 and hereafter filed
for his note or bond by which said
\$5.00 for value recd. one day after
received said note or bond to your O

respectfully referred to, that one James E. Crockett
no money indebted to him in the sum of \$60.37 with legal
interest, ^{on \$55.37, and the legal interest on \$5.00 the residue from Jan 21st 1891 to Jan 7th 1892} himself from January 7 1892 till paid to show
which, your Orator states that on the 6th day of January
1892, the said James E. Crockett signed executed and delivered
to him his certain promissory note in writing which is
herein filed as a part of this bill marked (A) and
by this his said promise in writing, the said James E. Crockett
on said 6th day of January 1892 agreed and promised to
pay to your Orator one day after said debt at his
the sum of Fifty Five dollars and 37 cents for value received
with interest at the rate of 6 percent from Jan 7 1892 till paid
and as to said debt, the said Crockett received the benefit
of his homestead exemption, and your Orator states that
each and every part of said sum is now due and owing
to him, no part thereof ever having been paid.

Your Orator states, that soon after the execution of
said promissory note, the said James E. Crockett, left this
state, and is now a non resident of the state of Virginia.

Your Orator further states, that said James E. Crockett
is a son of Harrison B. & Catharine Crockett, the latter of
whom is now dead, ^{while she lived} while she lived, was the owner in fee
of about 42 acres of land which she inherited from her
father Hiram D. Ely long since dead, lying and being in Lee County
near Rose Hill, about 19 miles west of Jonesville, on the main
road, and on Indian Creek;

Your Orator states that at the death of Bathasius Brockett she left surviving her, her husband Harrison B Brockett, and six children her heirs at law ^{the latter of} ~~of~~ whom the said James E. Brockett is one.

Your Orator states that at the death of said Bathasius Brockett the said 42 acre tract of land descended to said 6 children her heirs at law, subject to the life estate therein of Harrison B Brockett as tenant by the curtesy.

From this statement of facts it will be seen, that said James E. Brockett owns an interest in said 42 acre tract of land, consisting of the reversion of one undivided sixth part thereof.

Your Orator is advised that said reversionary interest of said James E. Brockett in said 42 acre tract of land is liable to be taken and applied by a court of equity to the payment of your Orator's said claim, and to other relief is the object of this bill.

To the premises concluded your Orator prays that said James E. Brockett be made defendant to this bill and be required to answer the same on oath, that order of publication be entered, posted and published against him that process of Foreign Attachment be issued and levied on his interest in said land, and upon a hearing of the cause a decree be entered against him in favor

Orator p. 50, 51 re legal interest in said land

John B. Lin

Bill & For. Attachment

James E. Crockett

1893, 1st April. Rules Bill
filed. Spec. and by
attaching to order.

2nd April Rules Cont.

1st May Rules Cont.

2nd May Rules O. P. R.
Completed & cause set
for hearing by J. P.

March Rules Cont.

June " Decree & Cont.

Nov. Term Decree

Final O. B. 538. - 9

John B. McLin Peff }
vs. } In Chy
James E. Crockett Dft }

This cause came on this day to be finally heard on the papers heretofore read therein and the report of Special Court. filed in the cause at the present term showing the execution of a deed of conveyance by him as Court to the Peff McLin for the defendants undivided interest in the 42 acre tract of land, and was argued by counsel, and said report and deed being accepted to, On consideration whereof, it is adjudged ordered and decreed that said report and deed be confirmed, and the clerk of this will deliver to the clerk of the County Court, said deed for recordation and said McLin will pay to said Morgan \$2.50 for the execution thereof and no further action being necessary. The parties are hence dismissed and the cause stricken from the docket,

John B. McLean

no. { Dec 13 Final

James E. Crockett

Entered Chgo. V.B.

538-39, Nov. 16 1893

J. A. Hyatt D.C.

Enter this

Nov 16 1893

H. S. K. M.

John B. McLean }
vs. } In Chy
James E. Lovickett }
Dft }

This cause came on this day to be further heard on the papers heretofore read therein, and the report of Special Court H. J. Morgan dated Augt 22 1893 and filed in the cause Sep 22 1893 Shewing the sale of the undivided interest of $\frac{1}{6}$ in the 42 acre lot of land in the bill and proceedings mentioned to John B. McLin the plaintiff at the price of \$102.25 and the disbursement of \$35.72 thereof, and was argued by counsel, and the said report being unexcepted to. On consideration whereof it is adjudged ordered and decreed that said report be and the same is hereby confirmed, and the two notes said on is canceled and the off being the purchase of the interest in the said sold at a price sufficient to pay his debt and costs, he is now entitled to a deed of conveyance for the undivided interest so purchased by him subject to the life estate therein with covenants of special warranty. And Henry J. Morgan is appointed a Special Court for the purpose who will convey said undivided interest to said McLin with covenants of special warranty subject to H. B. Crockett's life estate therein as tenant by the curtesy, and he will report his action to the court, and until the coming in thereof the cause is continued.

John B. McLean

vs { Deane No 2

James E. Crockett
Entered Ch. 813 p 524
Nov. 14th 1893.

Entered this
Nov 14 1893
H. S. McLean

John B. McLean

vs.

Peff

James E. Crockett

Deft

In Chy

This cause came on this day to be heard, on the bill of the Peff and exhibits therewith, taken for confessed by the defendant. after the order of Publication had been duly entered posted and published against him, and the foreign attachment issued in the cause having been returned duly executed and lined, and was argued by counsel. On consideration of all which, It is adjudged ordered and decreed that the Peff recover of the defendant the sum of \$5.00 thereof from January 21 1891 and in \$55.37 the residue thereof of \$60.37 with legal interest, thereof from the 7th day of January 1892 till paid and the costs of this suit. And the attachment issued in the cause having been returned by the Sheriff of the County as lined in the defendant undivided & necessary interest in the 42 acre tract of land in the bill mentioned, subject to the life estate therein of J. E. Crockett as tenant by the Curtesy, It is therefore further adjudged and decreed that unless the said defendant or some one for him shall pay to the plaintiff within 20 days from the rising of the court, the sum above decreed him, then that the said defendant undivided & necessary interest in the said 42 acre tract of land the sum being $\frac{1}{6}$ thereof be sold for cash in hand, subject to said life estate, or so much thereof as may be necessary for the purpose, said sale shall be by public Auction to the highest bidder at the front door of the Court house of Lee County on some Court day, after such sale shall have been advertised 30 days prior thereto showing time terms and place of sale, and Henry J. Morgan is

is appointed a Special Court to execute the foregoing decree of sale, who before doing so is required to execute bond with good security before the clerk of this court in the penalty of \$150. with condition to account for all money he may receive in the cause and he will report his action to the Court. But the plaintiff in order to entitle himself to the benefit of this decree, is required to execute bond with good security before the clerk of this court in the like penalty of \$150.00 with condition to abide by and perform such future orders as may be made upon the appearance of the said defendant and his making defence, the cause is continued.

John B. McLean

vs. { Decree No 1

Jas E. Lovock et al

Entered Chy O 13 page

476 - June 7th 1893

J. B. Hyatt

Entered this

June 7 1893

H. S. McLean

J B McLin

vs.

James E. Crockett

Plff

in Chy

Def

I John B McLin the plaintiff in the above styled
suit about to be instituted in the Circuit Court of
Lee County Va. against James E Crockett, do swear
that in said suit, I think I ought to recover against said
Crockett the sum of Fifty six dollars and 37 cents with
interest thereon from the 7th day of January 1892 till
paid, that said sum is just, and no part thereof paid
that I have present cause of action against the
said Crockett therefor, that said Crockett is a non-resi-
dent of the state of Virginia but that he owns an undiv-
ided interest, consisting of One Sixth part, in a tract of
land lying in said County of Lee, near Bear Hill of about
42 acres, subject to the life estate of H. B. Crockett as tenant
by the entirety, and that I am apprehensive that unless
an attachment be at once issued, the said Crockett
may sell said interest in said real estate and remove
the proceeds beyond the limits of the state so that process
of ordinary judgment and execution might be unavailing
So help me god.

J. B. McLin,

Sworn to before me by J B McLin This March 20 1893

J. M. Williams J.P.

John B. McLean

or } affd. for attachment

James E. Brockett

John B. McLean Poff

vs.

James E. Crockett Duff

John Cley

Recd. of H. J. Morgan Comt. in said cause the sum
of Eight dollars & 44 cents the clerks cost due on this in
Sept 22 1893

J. A. Hyatt Clerk

Recd. of H. J. Morgan Comt. as stated above five dollars the
fee due the printer therein for O. Pub. Sept 22 1893

D. C. Sewell Assignee of
Lee Co. Republican

Recd. of H. J. Morgan Comt. as stated above One dollar and
42 cents clerks fees due on this in Sept 22 1893

A. B. Munsey Clerk
H. H.

Recd. of H. J. Morgan Comt. as stated above fifty cents the
fee due me in said cause as Sheriff Sept 22 1893

G. E. Flanary Sheriff

Recd. of H. J. Morgan Comt. as above Fifty cents for recording
his judgments in said cause as Co. Clerk Sept 22 1893

J. R. Gibson Clerk

I have retained in my own hands of said cost the sum
of Fifty dollars as attorneys fees, and four dollars and
86 cents as Commission Sept 22 1893

Henry J. Morgan attor Poff

John B. McLean

vs

Deft

James E. Brockett

Deft

in Chy on F. Attachment

Pursuant to a decree of the Circuit Court of Lee County rendered in this cause on the 7th day of June 1893 after having advertised that I would do so, I proceeded to offer for sale at the front door of the court house of Lee County at the times prescribed by said decree, on the 21st day of August 1893 that being county court day the undivided interest of the defendant in the 42 acre lot of land in the bill mentioned, subject to the life estate therein of H. B. Brockett, as tenant by the entirety, when the Plaintiff John B. McLean offered for said undivided interest subject to said life estate the sum of \$102.25 the sum barely necessary to pay the two debts sued on, and the cost of suit and sale, and that being the highest and best bid offered therefor, said John B. McLean became the purchaser thereof at that price, and he thereupon paid me the sum of \$35.72 the amount of the costs of suit and sale which I have accounted for, in the manner shown in the tabular statement at the foot of this report. The remaining \$66.53 is the amt. of the two debts due the plaintiff from Deft, and the said two debts are fully paid by this purchase if the same shall be confirmed & when so confirmed the Deft will be entitled to a deed of conveyance for said undivided interest.

The price of \$102.25 for which said interest was sold is a full and fair price for the same and hence said sale should be approved and confirmed and a decree should be entered in said cause confirming said sale and cancelling the two notes and appointing a custodian and directing him to convey to said McLean said undivided interest with covenants of special warranty subject to said life estate;

The statement showing the disposition made by me of the cash payment is as follows to wit:

To Cash received on day of sale this sum	\$35.72
By this sum paid by atty clerks fees	\$8.44
By this sum " Prontiers Geo. Pub.	5.00
By " " " Francis Shiff Jr	50
By " " " Murrey Clark	1.42
By " " " Gibson "	50
By attor fee retained	15.00
By 5 per cent Commission retained	4.86
	\$35.72

Thus you will see the whole sum I have received has been fully accounted for and receipts for these disbursements are hereto attached

Respectfully submitted

Henry J. Morgan Special Com.

Augt 22 1893

John B. McLin

vs. $\frac{1}{3}$ Const. Report. Sale of land

James E. Crockett

Filed Sept 22 1893

A. B. Munsey.
Clerk,

J B McLin

vs.

Geo E. Crockett

Deem for sale June 7 1893

Deem ~~for~~ part Int from Jan 21/91. 5.00

Deem & accrdm Int from Jan 7/92 55.37

Int on first item to Aug 21/93 .78

Int on second item to Aug 21/93 5.38

Add for costs of suit

add for com on sale

30.86

4.86 35.72

102.25

68.44

215.00

5.50

25.00

61.42

25.50

30.86

John B. McLean Pref

In Oby

James E. Crockett Dft.

To the Hon A S K. Merison Judge of the circuit
Court of Lee County Virginia

Pursuant to your decree entered in this cause
on the 14 day of Nov 1893 I have made and acknowledged ready for record a deed of conveyance
by which I convey to John B. McLin, said James E.
Crocketts undivided interest in the 42 acre tract
of land in the Poff bill mentioned with covenants
of special warranty and subject to H. B. Crocketts
life estate therein and said deed is herewith filed
for your inspection and approval

Respectfully Submitted

Henry J. Morgan Special Const

John B. McLean

vs { Com. Report of and
3

James E. Roschutt

Filed Nov. Term 1893

\$ 55 ³⁷/₁₀₀

Rose Hill, Va Jan 6 1892

One day after date I the undersigned of
Lee County, State of Va for value received, promise to pay
to the order of J M Guin of Rose Hill, Va, the sum of
Fifty Five ³⁷/₁₀₀ Dollars,
payable at his office.

With interest at 0 per cent. from Jan 7 1892 until paid. The maker and endorser each hereby waive as to this debt the exemption from liability of
the property which 0 may be entitled to hold exempt under the provisions of the Homestead Law.

Witness my hand and seal.

No.

Due

James E Overholt [SEAL.]
maker [SEAL.]

Jan 7 1892

Amos M. Guin

(A)

January 21 1891

One day after date I promise to pay to

Chas E Bay lot,

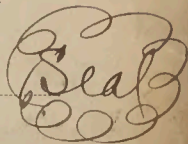
Five

DOLLARS

Value Received. And I hereby waive homestead exemption as to this debt.

Witness my hand and seal

J. E. Crockett



I assign the with-
-in rate to

J B M Linn

Chas E Baylor

(B)

Know all Men by these Presents, That we

John B. McGlin
and Charles E. Baylor

are held and firmly bound to the Commonwealth of Virginia, in the sum of *One hundred*

fifty

Dollars, to the payment whereof, well and truly to be made to the

said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and

administrators, jointly and severally, firmly by these presents. And we hereby waive the benefit of our

homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising

under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other

than legal-tender currency of the United States. Sealed with our seals, and dated this *24th* day of

June

, one thousand eight hundred and *Ninety three*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas

John B. McGlin

Plff in a chancery suit now pending
in Lee County Circuit Court vs James
E. Crockett Left, was by a decree entered
in said Cause June 7th 1893, required
to execute bond
in the penalty of 150\$ conditioned to abide the
future orders of the Court, upon the defendant
making his appearance in this Cause within
five years and making defense thereto.

Now, therefore should the said John
B. McGlin, pay all such costs as may
be awarded against him in this Cause
upon the defendant making his appear
ance within five years and making defense
therein

then this obligation to be void, or otherwise to remain in full force and virtue.

+ *J. B. McGlin*

Chas E Baylor



In the Clerk's Office of the _____ Court of the _____ of _____

This day personally appeared before me _____, Clerk

of the _____ Court of the _____ of _____

_____, and made oath

that _____ estate, after the payment of all _____ just debts, and those for which he _____ bound as

security for others and expect to have to pay, _____ worth the sum of _____

_____ dollars, over and above all exemptions allowed by law.

Given under my hand this _____ day of _____ 18____.

Clerk.

#304

to

}

BOND.

Commonwealth.

50

John B. McLean

To } Bond

The Commonwealth

KNOW ALL MEN BY THESE PRESENTS, That we

and *J. A. Hyatt*

H. J. Morgan

are held and firmly bound unto the Commonwealth of Virginia, in the sum of *One hundred & fifty*

dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other than legal-tender currency of United States. Sealed with our seals, and dated *24th* day

of *June*, one thousand eight hundred and *ninety three*

The Condition of The Above Obligation is Such, That if the above bound

H. J. Morgan

shall faithfully perform the duties of *his* office or trust, as *Clerk*.

under a decree of the Circuit Court of the County of Lee, pronounced on the *7th*

day of *June*, 18*93*, in the suit therein depending

under the name and style of

J. B. Melin

Plaintiff

vs.

James E. Crockett Defendant

and properly account for all sums of money

he

may receive as

such

Court

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

H. J. Morgan (SEAL.)

J. A. Hyatt (SEAL.)

(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day

suret

on the above bond, made oath before me J. A. G. Hyatt, Clerk of the Circuit

Court of the County of Lee, that

estate after the payment of all

just debts, and those

for which

bound as securit

for others, and expect to have

to pay

worth the sum of

dollars.

Given under my hand this

day of

18

Teste:

Clerk.

John B. McLean

vs. { Geo. Bond

James E. Brackett.

Sis Penders

John B. McLean
J.B.

Peff } In Chy. in the Circuit
Court of Su County the
Day of March 1893

James E. Brockett

Deft

The object of this suit is to recover of the deft the sum of \$55.87 with legal interest thereon from Jan 7/92 till ^{paid} and to subject to the payment thereof, the defts undivided & reverenary interest in the 42 acre tract of land in the bill mentioned, subject to the life estate of H. B. Brockett thereon, which has been attached in this cause for the purpose. The said interest consists of $\frac{1}{6}$ part of that lot of land which Catharine Brockett owned at her death & which she inherited from her father Hiram H. Ely dead.

H. J. Morgan atty for Peff

Virginia Lee County to wit:

In the office of the clerk of the said
county the the 27th day of March 1893
this "Lis Pendens" was presented and
admitted to record.

Teste John R. Gibson *clerk*

15-
365-
136
40/
142

504

John B. Malin

po } Lis Pendens

Law E. Brockett

Recorded and
Book No 29 P. 25
J. R. Gibson C.

In the Clerk's Office of the Circuit Court of the County of
Lee on the *24th* day of *March* 18*93*.

John B. McLin
against

Plaintiff

In Chancery

James E. Crockett

Defendant

The object of this suit is to recover against the debt, \$55.37, and legal interest thereon from January 6th 1892 till paid and the costs of this suit, and to subject to the payment thereof the said defendant's undivided interest in the 42 acre tract of land in the Bill mentioned which has been attached for the purpose
And an affidavit having been made and filed that the defendant

is not a resident of the State of Virginia, it is ordered that *he* do appear here, within *fifteen days* after due publication hereof, and do what may be necessary to protect *his* interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the *Lee County Republican*, and that a copy be posted at the front door of the court-house of this *County* on the first day of the next term of the *County* Court.

A copy—Teste:

H. J. Morgan p. q.

J. A. S. Hyatt Clerk.

John B. McLin

vs.

}

ORDER OF
PUBLICATION.

James E. Crockett

I certify that I
posted a copy of
this order on court
house door on first
day of April County
Court. J. A. Hyatt

The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting :

WE COMMAND YOU TO SUMMON *James E. Leach*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in *April*
.....next, being rule day to answer a bill in Chancery exhibited in our said Court against
him by *John B. McLean*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *24th* day of *March* 18*97*, in the 11^{*th*} year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste..... Clerk.

By virtue of the order of attachment enclosed herein, I have this 27th day of March 1893 served this attachment on the defendant James E. Crockett's undivided reversionary interest in the 1/2 acre tract of land in the 11th mentioned subject to the life estate of H. B. Crockett therein which consists of One Sixth part thereof, & the same descended to him from his Mother Catherine Crockett dead but not executed on the defendant, he being a non resident of the state

C. E. Flannery. S. L. 6

John B. McLean

as per in City

James E. Crockett

Filed Rules 1893

See Return on

Crockett

Before affixing heretofore been made the following
 This process is ordered to attach the defendant's undivided
 reversionary interest in the 1/2 acre tract of land in
 the 11th mentioned subject to the life estate of
 H. B. Crockett therein, and hold the same subject to
 the return order of Court
 J. W. McLean

In the clerk's office of the circuit court
of the county of Lee on the 24th day of
March 1893.

John B. McLin, Plaintiff.

In

vs.

James E. Crockett, Defendant } Chan'y.

The object of this suit is to recover
against the defendant \$55.37, and legal
interest thereon from January 6th, 1892
till paid and the costs of this suit, and to
subject to the payment thereof the said
defendant 1-6 undivided interest in the
42-acre tract of land in the bill mention-
ed which has been attached for the pur-
pose. And an affidavit having been made
and filed that the defendant James E.
Crockett is not a resident of the State of
Virginia, it is ordered that he do appear
here, within fifteen days after due publi-
cation hereof, and do what may be nec-
essary to protect his interest in this suit.
And it is further ordered that a copy
hereof be published once a week for four
weeks in the Lee County Republican,
and that a copy be posted at the front
door of the court-house of this county on
the first day of the next term of the
county court.

A copy—Teste:

J. A. G. HYATT, Clerk.

H. J. Morgan, p. q.

apr. 22-4

VIRGINIA, Lee County

To wit: I

Geo. C. Coleman, editor and publisher

of the LEE COUNTY REPUBLICAN, a news-

paper, printed in the town of Jonesville.

in the county of Lee, Virginia, do here-

by certify that the foregoing order of

publication was duly published in said

paper for four successive weeks, from

and after the 22 day of April

1893. Ending on the 7 day of May

..... 1893

Geo. C. Coleman,

Editor and Publisher

John B. McLean

3 Printers
vs 3 Certificate

James E. Crockett

Profee 5.00